

108TH CONGRESS
2D SESSION

S. 2500

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2004

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assistance for Orphans
5 and Other Vulnerable Children in Developing Countries
6 Act of 2004”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) More than 110,000,000 orphans live in sub-
2 Saharan Africa, Asia, Latin America, and the Carib-
3 bean. These children often are disadvantaged in nu-
4 merous and devastating ways and most households
5 with orphans cannot meet the basic needs of health
6 care, food, clothing, and educational expenses.

7 (2) It is estimated that 121,000,000 children
8 worldwide do not attend school and that the major-
9 ity of such children are young girls. According to the
10 United Nations Children's Fund (UNICEF), or-
11 phans are less likely to be in school and more likely
12 to be working full time.

13 (3) School food programs, including take-home
14 rations, in developing countries provide strong incen-
15 tives for children to remain in school and continue
16 their education. School food programs can reduce
17 short-term hunger, improve cognitive functions, and
18 enhance learning, behavior, and achievement.

19 (4) The lack of financial resources prevents
20 many orphans and other vulnerable children in de-
21 veloping countries from attending school because of
22 the requirement to pay school fees and other costs
23 of education. Providing children with free primary
24 school education, while simultaneously ensuring that
25 adequate resources exist for teacher training and in-

1 frastructure, would help more orphans and other
 2 vulnerable children obtain a quality education.

3 (5) The trauma that results from the loss of a
 4 parent can trigger behavior problems of aggression
 5 or emotional withdrawal and negatively affect a
 6 child's performance in school and the child's social
 7 relations. Children living in families affected by
 8 HIV/AIDS or who have been orphaned by AIDS
 9 often face stigmatization and discrimination. Pro-
 10 viding culturally appropriate psychological counsel-
 11 ling to such children can assist them in successfully
 12 accepting and adjusting to their circumstances.

13 (6) Orphans and other vulnerable children in
 14 developing countries routinely are denied their inher-
 15 itance or encounter difficulties in claiming the land
 16 and other property which they have inherited. Even
 17 when the inheritance rights of women and children
 18 are spelled out in law, such rights are difficult to
 19 claim and are seldom enforced. In many countries it
 20 is difficult or impossible for a widow, even if she has
 21 young children, to claim property after the death of
 22 her husband.

23 (7) The HIV/AIDS pandemic has had a dev-
 24 astating affect on children and is deepening poverty

1 in entire communities and jeopardizing the health,
2 safety, and survival of all children in affected areas.

3 (8) The HIV/AIDS pandemic has increased the
4 number of orphans worldwide and has exacerbated
5 the poor living conditions of the world's poorest and
6 most vulnerable children. AIDS has created an un-
7 precedented orphan crisis, especially in sub-Saharan
8 Africa, where children have been hardest hit. An es-
9 timated 14,000,000 orphans have lost 1 or both par-
10 ents to AIDS. By 2010, it is estimated that over
11 250,000,000 children will have been orphaned by
12 AIDS.

13 (9) Although a number of organizations seek to
14 meet the needs of orphans or other vulnerable chil-
15 dren, extended families and local communities con-
16 tinue to be the primary providers of support for such
17 children.

18 (10) The HIV/AIDS pandemic is placing huge
19 burdens on communities and is leaving many or-
20 phans with little support. Alternatives to traditional
21 orphanages, such as community-based resource cen-
22 ters, continue to evolve in response to the massive
23 number of orphans that has resulted from the pan-
24 demic.

1 (11) The AIDS orphans crisis in sub-Saharan
2 Africa has implications for political stability, human
3 welfare, and development that extend far beyond the
4 region, affecting governments and people worldwide,
5 and this crisis requires an accelerated response from
6 the international community.

7 (12) Although section 403(b) of the United
8 States Leadership Against HIV/AIDS, Tuberculosis,
9 and Malaria Act of 2003 (22 U.S.C. 7673(b)) estab-
10 lishes the requirement that not less than 10 percent
11 of amounts appropriated for HIV/AIDS assistance
12 for each of fiscal years 2006 through 2008 shall be
13 expended for assistance for orphans and other vul-
14 nerable children affected by HIV/AIDS, there is an
15 urgent need to provide assistance to such children
16 prior to 2006.

17 (13) Numerous United States and indigenous
18 private voluntary organizations, including faith-
19 based organizations, provide assistance to orphans
20 and other vulnerable children in developing coun-
21 tries. Many of these organizations have submitted
22 applications for grants to the United States Agency
23 for International Development to provide increased
24 levels of assistance for orphans and other vulnerable
25 children in developing countries.

1 (14) Increasing the amount of assistance that is
2 provided by the Administrator of the United States
3 Agency for International Development through
4 United States and indigenous private voluntary or-
5 ganizations, including faith-based organizations, will
6 provide greater protection for orphans and other vul-
7 nerable children in developing countries.

8 (15) It is essential that the United States Gov-
9 ernment adopt a comprehensive approach for the
10 provision of assistance to orphans and other vulner-
11 able children in developing countries. A comprehen-
12 sive approach would ensure that important services,
13 such as basic care, mental health and related serv-
14 ices, school food programs, increased educational op-
15 portunities and employment training and related
16 services, and the protection and promotion of inher-
17 itance rights for such children, are made more acces-
18 sible.

19 (16) Assistance for orphans and other vulner-
20 able children can best be provided by a comprehen-
21 sive approach of the United States Government
22 that—

23 (A) ensures that Federal agencies and the
24 private sector coordinate efforts to prevent and

eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.

SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following section:

“SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN.

“(a) FINDINGS.—Congress finds the following:

“(1) There are more than 110,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

“(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is es-

1 timated that 14,000,000 children have lost one or
2 both parents to AIDS.

3 “(3) The orphans crisis in sub-Saharan Africa
4 has implications for human welfare, development,
5 and political stability that extend far beyond the re-
6 gion, affecting governments and people worldwide.

7 “(4) Extended families and local communities
8 are struggling to meet the basic needs of orphans
9 and vulnerable children by providing food, health
10 care, education expenses, and clothing.

11 “(5) Providing assistance to such children is an
12 important expression of the humanitarian concern
13 and tradition of the people of the United States.

14 “(b) DEFINITIONS.—In this section:

15 “(1) AIDS.—The term ‘AIDS’ has the meaning
16 given the term in section 104A(g)(1) of this Act.

17 “(2) CHILDREN.—The term ‘children’ means
18 persons who have not attained the age of 18.

19 “(3) HIV/AIDS.—The term ‘HIV/AIDS’ has
20 the meaning given the term in section 104A(g)(3) of
21 this Act.

22 “(4) ORPHAN.—The term ‘orphan’ means a
23 child deprived by death of one or both parents.

24 “(c) ASSISTANCE.—The President is authorized to
25 provide assistance for programs in developing countries to

1 provide basic care and services for orphans and other vul-
2 nerable children. Such programs should provide assist-
3 ance—

4 “(1) to support families and communities to
5 mobilize their own resources through the establish-
6 ment of community-based organizations to provide
7 basic care for orphans and other vulnerable children;

8 “(2) for school food programs, including the
9 purchase of local or regional foodstuffs where appro-
10 priate;

11 “(3) to reduce barriers to access to primary
12 education through the elimination of school fees
13 where appropriate, helping to otherwise cover costs
14 of education, and improving the quality of teaching
15 and education infrastructure;

16 “(4) to provide employment training and re-
17 lated services for orphans and other vulnerable chil-
18 dren who are of legal working age;

19 “(5) to protect and promote the inheritance
20 rights of orphans, other vulnerable children, and
21 widows with children; and

22 “(6) to provide culturally appropriate mental
23 health treatment and related services to orphans and
24 other vulnerable children.

25 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to the President to carry out this sec-
3 tion such sums as may be necessary for each of the
4 fiscal years 2005 and 2006.

5 “(2) AVAILABILITY OF FUNDS.—Amounts made
6 available under paragraph (1) are authorized to re-
7 main available until expended and are in addition to
8 amounts otherwise available for such purposes.

9 “(3) RELATIONSHIP TO OTHER LAWS.—
10 Amounts made available for assistance pursuant to
11 this subsection, and amounts made available for
12 such assistance pursuant to any other provision of
13 law, may be used to provide such assistance notwith-
14 standing any other provision of law.”.

15 **SEC. 4. STRATEGY OF THE UNITED STATES.**

16 (a) REQUIREMENT FOR STRATEGY.—Not later than
17 180 days after the date of enactment of this Act, the
18 President shall develop a strategy for coordinating and im-
19 plementing assistance programs for orphans and vulner-
20 able children.

21 (b) CONTENT.—The strategy required by subsection
22 (a) shall include—

23 (1) the identity of each agency or department
24 of the Federal Government that is providing assist-

1 ance for orphans and vulnerable children in foreign
2 countries;

3 (2) a description of the efforts of the head of
4 each such agency or department to coordinate the
5 provision of such assistance with other agencies or
6 departments of the Federal Government or non-
7 governmental entities;

8 (3) a description of a coordinated strategy to
9 provide the assistance authorized in section 135 of
10 the Foreign Assistance Act of 1961, as added by
11 section 3 of this Act; and

12 (4) an analysis of additional coordination mech-
13 anisms or procedures that could be implemented to
14 carry out the purposes of such section.

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